

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
THE UTAH DEPARTMENT OF TRANSPORTATION
And
THE SHIVWITS BAND OF THE PAIUTE INDIAN TRIBE OF UTAH
REGARDING COORDINATION AND CONSULTATION ON FEDERAL-AID
HIGHWAY PROJECTS IN UTAH IN ACCORDANCE WITH
THE NATIONAL HISTORIC PRESERVATION ACT
SECTION 106 PROCESS AND 36 CFR PART 800**

WHEREAS, the Federal Government has a unique relationship with Indian tribes derived from the Constitution of the United States, treaties, Supreme Court doctrine, and Federal statutes whereby Indian tribes are recognized as sovereign nations. The Federal Highway Administration (FHWA), as a Federal agency, recognizes the government-to-government relationship between the United States and federally recognized Indian tribes and acknowledges the Shivwits Band of the Paiute Indian Tribe of Utah as a sovereign nation with inherent powers of self-governance; and

WHEREAS, the FHWA is the agency of the United States Government that has the responsibility for administering the Federal-aid highway program in Utah and agrees to coordinate under a government-to-government relationship with Federally recognized tribal governments in compliance with Section 106 of the National Historic Preservation Act (NHPA); and

WHEREAS the Shivwits Band of the Paiute Indian Tribe of Utah (Band) is a sovereign government having an interest in the preservation and protection of its treaty rights and cultural heritage both within the boundaries of the Shivwits Band Reservation and within the lands claimed and occupied by the Band at the time described in the Paiute Indian Tribe of Utah Restoration Act (25 U.S.C. § 761) and its implementing public law 96-227 on April 3, 1980. The Shivwits Band is one out of five bands that make up the Paiute Indian Tribe of Utah as shown in Attachment 1, and the Shivwits Band Council is the governing body for the Band and has the authority to participate in this Programmatic Agreement (PA); and

WHEREAS, the FHWA has requested the Utah Department of Transportation (UDOT), the primary recipient of Federal-aid highway funds in the State of Utah, to provide assistance to FHWA in complying with the body of environmental law that includes the National Environmental Policy Act (NEPA), the NHPA, and other similar laws; and

WHEREAS, the FHWA has determined that its undertakings may have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places that may be of interest to the Band and through this PA has consulted with the

Band and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR 800.14 of the regulations implementing Section 106 of the NHPA; and

WHEREAS, the provisions of the NHPA regulations in 36 CFR 800.2(c)(2)(E) encourage Federal agencies to enter into agreements with Indian tribes that specify how they will carry out their responsibilities in the Section 106 process; and

WHEREAS, respectful of each other's legitimate values and goals, FHWA, the Band, and UDOT agree to establish and maintain a relationship based on open dialog, mutual respect, and early coordination. The overall purpose of this PA is to create a consultation process that allows the opportunity for Band input on actions by the FHWA and UDOT and to cooperatively work together to implement the NHPA and address other issues of mutual concern. The goal of this dialog is to allow FHWA and UDOT to use this input to identify impacts to the social, cultural, natural, and economic environments and seek opportunities to avoid and minimize those impacts, or to preserve or enhance the resource when possible prior to undertaking an action; and

WHEREAS, the representatives of the FHWA have engaged in consultation with representatives of the Band, and have jointly agreed to establish a consultation process in a PA; and

WHEREAS, the UDOT has participated in the consultation and has been invited to sign this PA; and

WHEREAS, nothing in this PA shall alter, amend, repeal, interpret, or modify tribal sovereignty, any treaty rights, or other such rights of the Band, or to preempt, modify, or limit the exercise of any such rights.

NOW, THEREFORE, the FHWA, the Band, and the UDOT hereby agree to the following consultation process for Federal-aid highway transportation projects in the State of Utah in compliance with Section 106 of NHPA.

Stipulations

All parties to this PA agree to ensure that the following measures are carried out:

1. Applicability

- a. The UDOT shall implement the provisions set forth in this PA for any Federal-aid transportation project located within the geographic area of interest delineated in Attachment 2 by the Band, which is the entire state of Utah. In doing so, the FHWA, with the assistance of the UDOT, will meet its responsibilities with regard to consultation with the Band under Section 106 of the NHPA.
- b. The UDOT is authorized by the FHWA to initiate consultation with the Band pursuant to 36 CFR 800.2(c)(4) and the Statewide PA among the FHWA, UDOT,

Utah SHPO, and the Council (Attachment 3), but the FHWA remains legally responsible for all findings and determinations charged to the agency official and this authorization is not intended to reduce the FHWA's government-to-government consultation responsibilities.

- c. This PA sets forth all aspects of Band participation in the Section 106 process and is intended to facilitate the direct participation of the parties in all phases of an undertaking that have the potential to affect historic properties and cultural resources protected by treaty and applicable statutes. A request for Band participation shall be initiated at the earliest stage possible and shall continue from the planning stage, through scoping, design, construction, operation, and into maintenance, as appropriate, based on the context and the intensity of the undertaking and possible impacts of the undertaking to historic properties and cultural resources of concern to the Band.

2. Designation of point of contact and their responsibilities

- a. The individual designated as the primary point of contact for each party to the PA shall serve as the official representative responsible for responding to requests and issuing decisions under the provisions of this PA. Any party to this PA may identify others they wish to be included as secondary contacts. Secondary contacts shall be provided copies of transmitted information but are not responsible for responding to requests and making decisions.
- b. The role of the primary point of contact is to develop a relationship with other points of contact with the goal of a clearer understanding of the needs and concerns of all parties and to respect cultural resources. These individuals should strive to develop relationships that will result in more effective cultural resources management and improve the effectiveness and efficiency of the consultation process.
- c. Identification of the points of contact (Attachment 4):
 - 1. The FHWA's Contact:
The FHWA Environmental Program Manager is the primary point of contact for FHWA. The Division Administrator is the secondary contact for FHWA.
 - 2. The Band's Contact:
The Band Chairperson is the primary point of contact for the Band. The Cultural Resource Director is the secondary contact for the Band.
 - 3. The UDOT's Contact:
The UDOT primary point of contact shall depend upon the location of the undertaking according to regions defined by UDOT. Within each region, the primary point of contact shall be the Region NEPA/NHPA Specialist

except for Region 4 where primary point of contact is recognized by Districts. The Cultural Resource Program Manager is a secondary contact for UDOT.

d. Change in contacts and addresses for contacts

1. Any party to this PA may change its point of contact person for purposes of this PA by communicating to the other parties in writing within 30 days of the effective date of that change. Such changes do not require this PA to be amended.
2. Addresses and other contact information for the contacts are found in Attachment 4 to this PA. It is the responsibility of each of the parties to update any changes in that contact information based on information provided pursuant to Stipulation 2.d.1..

3. Procedures for notifications to the Band

- a. The UDOT will contact the Band in order to provide information about undertakings and to solicit comments regarding how an undertaking may affect properties of traditional religious and cultural significance to the Band. The UDOT is authorized to consult with the Band on any matter pertaining to this PA. The FHWA remains responsible for complying with all Federal requirements, including government-to-government consultation with the Band. Therefore, the FHWA shall honor any request by the Band for government-to-government consultation, notwithstanding any provisions of this PA.
- b. The UDOT shall contact the Band for proposed transportation projects located in the geographic area identified by the Band as areas of concern for cultural resources, depicted on the map in Attachment 2, subject to the exclusions in Stipulation 3(c).
- c. Certain projects are exempted from review and information about them will not be provided by the UDOT. The types of projects listed in Attachment 5 are unlikely to affect cultural resources, and by agreement of the parties to this PA are exempted from the Section 106 Tribal Consultation process unless specific information about a risk of affecting cultural resources is presented. This exemption is intended to streamline the consultation process.
- d. The UDOT shall provide initial information about an undertaking by using a *Project Initial Tribal Notification Form* (Attachment 6) in its initial contact with the Band. The *Project Initial Tribal Notification Form* will minimally contain the following information: the project name, a map of the project area, the project type, the potential for archaeological sites in the project area, and a request to the Band to respond with concerns. This information will be transmitted via email,

and/or U.S. mail to the Band's primary point of contact and the Band Chairperson.

- e. The UDOT shall utilize the *Project Information Form* (Attachment 7) for transmitting information to the Band on the identification and evaluation of historic properties and resolution of adverse effects. The UDOT shall provide information about inventories of cultural resources for undertakings as soon as they become available. The UDOT may also ask to discuss this information with the Band, including whether further involvement by the Band is desired.
- f. The UDOT shall notify the Band by email or phone of unanticipated discoveries for projects in construction, in accordance with the provisions in Stipulation 5.
- g. The UDOT shall transmit notifications and information not otherwise addressed in this section of this PA to the Band via telephone, fax, email, or US mail. For telephone transmittals a record will be kept by the UDOT and the Band of all phone conversations.
- h. The FHWA and UDOT understand that some information about cultural resources or traditional knowledge or practices is sensitive. The FHWA and UDOT shall, at the request of the Band, treat certain matters of concern to the Band as sensitive. This may result in such matters not being transcribed or written records of such matters protected from public disclosure based on applicable laws (Section 304 of NHPA and Section 9(a) of the Archaeological Resources Protection Act (ARPA).
- i. The FHWA and UDOT may request to meet with the Band on any matter covered by this PA or regarding performance of this PA.

4. Procedures for responses from the Band

- a. The Band understands that in order to best have its issues addressed, any questions or concerns it has needs to be transmitted to the UDOT as early as possible, ideally when a project is still in its initial planning stages. Certain requests for information from the Band's primary point of contact may require the Band to consider the matter internally. For these and other matters, the Band commits to sharing information, questions, and concerns with the UDOT, as needed, even though the Band may still be deliberating on such matters.
- b. The Band shall respond after it has received either a *Project Initial Tribal Notification Form* or a *Project Information Form*. The Band will complete the *Tribal Response* sections on the forms as completely as possible and make a good-faith effort to respond within 30 calendar days of receipt. If the Band's response does not arrive at UDOT within 30 calendar days of the Band's receipt of a request for review and comment, UDOT may proceed to the next step in the consultation process. If the Band does not respond to a request for comment it will not prevent the Band from providing a response at a later point. If the Band

responds with concerns on matters after the 30 day period and FHWA and UDOT have made decisions based on that lack of response, FHWA and UDOT are not required to reconsider those matters. However, UDOT will make a reasonable attempt to incorporate any information or comments received after 30 days, as the project allows.

- c. The Band's response may be transmitted by telephone, fax, email, or US mail. For telephone transmittals a record will be kept by the Band of all phone conversations.
- d. Part of the Band's response may be a request for a face-to-face meeting in order to facilitate the transmittal of information or concerns. The FHWA and UDOT shall make a reasonable and good faith effort to accommodate such requests. If a face-to-face meeting cannot be reasonably accommodated, the FHWA and UDOT will offer an alternative.
- e. The Band may request to meet with the FHWA and/or UDOT on any matter covered by this PA or regarding performance of this PA.

5. Unanticipated Discovery

- a. In the event of an unanticipated discovery of a Native American archeological site after award of a construction contract on a project in the Band's geographic area of concern, the UDOT shall notify the Band by telephone and/or email within 24 hours of the discovery. The UDOT shall invite the Band to visit the site and shall protect and secure the discovery location to the fullest extent possible. The UDOT shall notify the Band of its determination of the need (or not) for further investigations. The Band shall respond to an invitation for a visit within 24 hours of receipt of notice of the discovery.
- b. If investigations of the discovery are determined to be warranted, the UDOT shall transmit to the Band a draft of the plan of those investigations. The Band shall have one full business day to reply. The UDOT shall consider any concerns contained in the Band's response to the fullest extent possible.
- c. If the Band objects to any matter related to the discovery, the UDOT shall provide the FHWA a copy of the documentation including the basis for the Band's objection, along with copies of the results of consultation with all consulting parties. The FHWA shall review this documentation and notify all parties of its decision.

6. Native American Remains

- a. In the event Native American burials that may be culturally affiliated with the Band are anticipated or discovered during archaeological excavation or during construction of the project, they shall be treated pursuant to the Native American

Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001 *et seq.*) or the Utah Native American Graves Protection and Repatriation Act of 1992 (U.C.A. 9-9-401 *et seq.*, and its implementing Rule R230-1).

- b. During the excavation of any Native American human remains, the UDOT shall take the following measures: ensure that they are treated respectfully and with dignity at all times; provide security for the site to prevent vandalism; and no photographs will be taken of human remains or open graves other than photo-documentation needed for recordation of the excavation;
- c. The UDOT shall provide an opportunity for the culturally affiliated Band to visit the site and provide comments during archaeological excavation and for the Tribe to perform appropriate ceremonies.

7. Dispute Resolution

- a. Should any party to this PA object in writing to FHWA regarding any action carried out or proposed with respect to a particular undertaking or implementation of this PA, the FHWA shall consult with the objecting party to resolve the objection. If after initiating such consultation the FHWA determines that the objection cannot be resolved through consultation, the FHWA shall consult with all parties (unless the information is identified as confidential to the Band). After consultation with the other parties, the FHWA shall make a decision and forward all documentation to all parties. If the objection is relative to Section 106 consultation, the FHWA shall forward all documentation relevant to the objection to the Council pursuant to 36 CFR 800.6(b), including the FHWA's proposed response to the objection.
- b. The FHWA's responsibility to carry out all actions under this PA that are not the subject of the objection shall remain unchanged.

8. Monitoring Implementation of this Agreement

- a. The FHWA may review activities carried out pursuant to this PA. The UDOT shall facilitate this review by compiling information to document the effectiveness of the PA and by making the information available on an annual basis to the FHWA and the Band in the form of a written report. Categories of information will include, but are not limited to, a list of projects for which consultation was carried out and the extent of Band involvement, projects that were exempted from review, and resolution of Band concerns.
- b. The UDOT shall, by November 30th of each year, prepare and submit the written report to the FHWA and the Band covering the previous year from October 1 to September 30th. The initial report shall be submitted by November 30, 2011, covering the effective date of this PA until September 30, 2011.

- c. The FHWA shall monitor the consultation process outlined in this PA at its discretion, including conducting process reviews from time to time.
- d. The FHWA shall notify the Band and the UDOT of any meetings to be held for the express purpose of monitoring compliance with the provisions of this PA by providing a thirty-day notice.

9. Amendment and Termination

- a. Any party to this PA may request that it be amended at any time, whereupon the parties will consult in accordance with 36 CFR 800.14 to consider such proposed amendment.
- b. Any party to this PA may terminate it by providing thirty days written notice to FHWA, provided that the parties will consult during the period before termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the FHWA shall comply with 36 CFR Part 800 with regard to individual undertakings, otherwise covered by this PA.

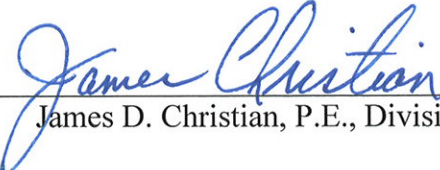
10. Duration

The conditions of this PA shall be in place, including any amendments thereto, until terminated.

Execution of this PA by the FHWA, the Shivwits Band of the Paiute Indian Tribe of Utah, and UDOT, and the implementation of its terms, documents the efforts of FHWA to consult with the Band under Federal law and regulations. The Band recognizes the actions of UDOT in assisting FHWA in carrying out its responsibilities under Section 106 of the NHPA.

SIGNATORIES

FEDERAL HIGHWAY ADMINISTRATION

By: 
James D. Christian, P.E., Division Administrator

Date: 4/22/11

BAND

By: 
Charlotte Lomeli, Chairwoman

Date: 3-2-11

INVITED SIGNATORY

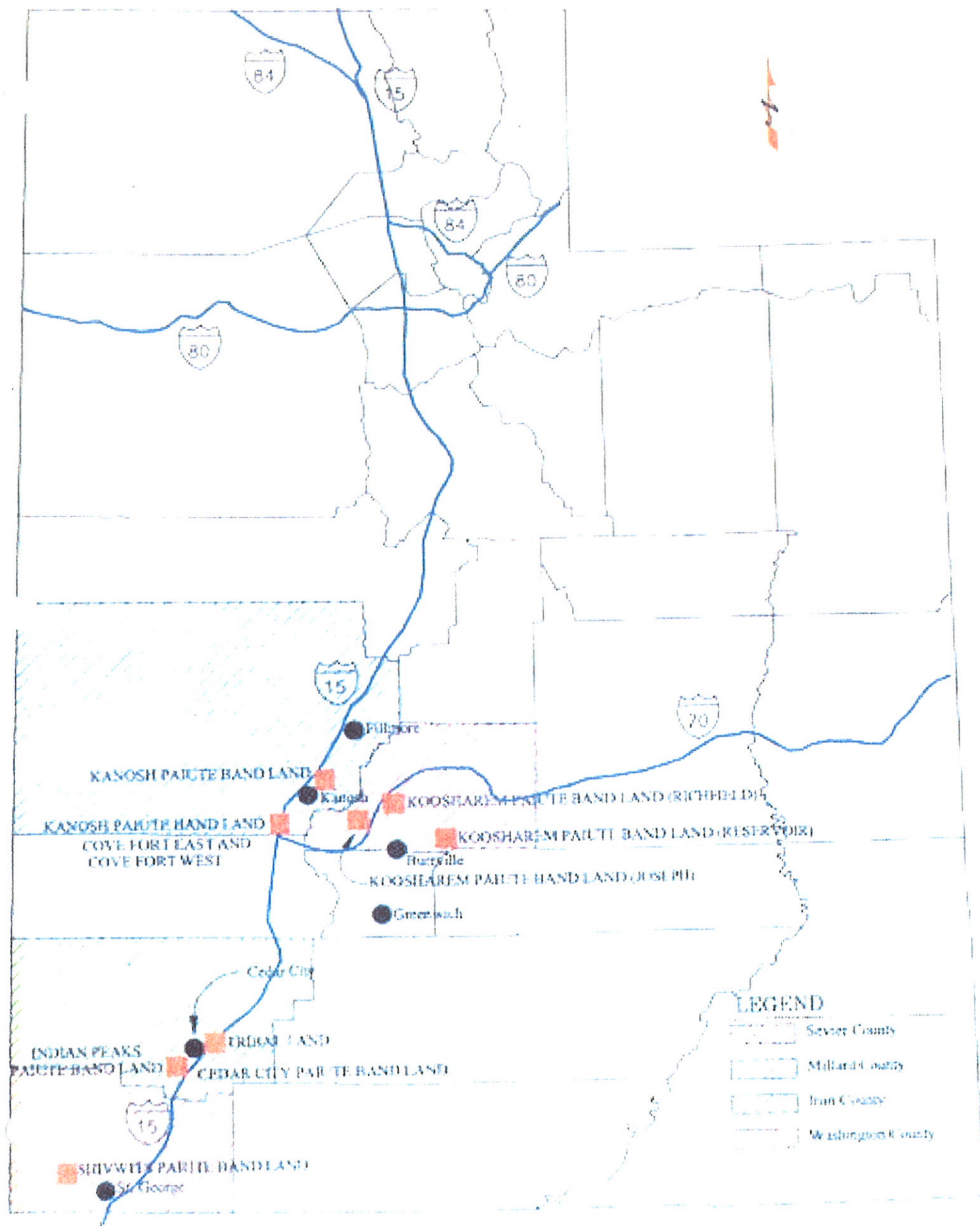
UTAH DEPARTMENT OF TRANSPORTATION

By: 
John Njord, Executive Director

Date: 3-15-11

ATTACHMENT 1

PAIUTE INDIAN TRIBE OF UTAH RESERVATION



ATTACHMENT 2

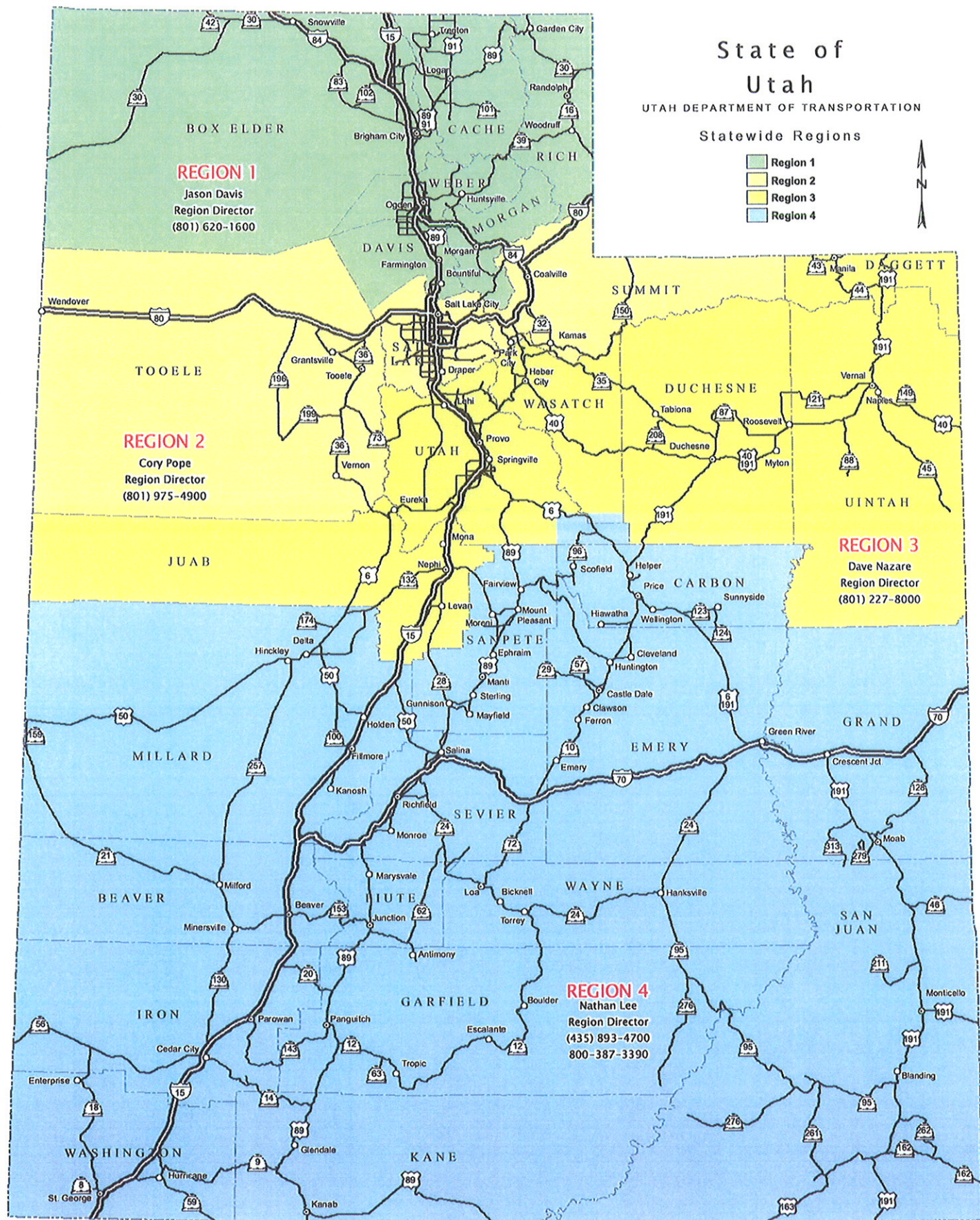
GEOGRAPHIC AREA OF INTEREST FOR TRIBAL CONSULTATION

State of Utah

UTAH DEPARTMENT OF TRANSPORTATION

Statewide Regions

- Region 1
- Region 2
- Region 3
- Region 4



ATTACHMENT 3

STATEWIDE PROGRAMMATIC AGREEMENT

ATTACHMENT 4

POINTS OF CONTACTS

Shivwits Band of Paiute Indians

Primary:

Ms. Charlotte Lomeli, Band Chairwoman
26 South 400 West
Ivins, UT 84738
(435) 656-9002 (work)
(435) 656-8005 (fax)

Secondary:

Ms. Shanan Martineau, Cultural Resource
Director
6060 West 3650 North
La Verkin, UT 84745
(435) 668-8997 (work)
(435) 656-8005 (fax)

Federal Highway Administration

Primary: Mr. Edward Woolford,
Environmental Program Manager
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118-1847
(801) 963-0182 (main number)
(801) 963-0093 (fax)
Edward.Woolford@dot.gov

Secondary:

Mr. James Christian, Division Administrator
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118-1847
(801) 963-0182 (main number)
(801) 963-0093 (fax)
James.Christian@dot.gov

Utah Department of Transportation

Primary for Region 1:

Mr. James Beers, NEPA/NHPA Specialist
UDOT Region 1
166 West Southwell Street
Ogden, Utah 84404-4194
(801)620-1635 (work)
(801)620-1665 (fax)
jamesbeers@utah.gov

Primary for Region 2:

Mr. Peter Steele, NEPA/NHPA Specialist
UDOT Region 2
2010 South 2760 West
Salt Lake City, UT 84104
(801)975-4923 (work)
(801)975-4913 (fax)
psteele@utah.gov

Primary for Region 3:

Ms. Jennifer Elsken, NEPA/NHPA Specialist
UDOT Region 3
658 North 1500 West
Orem, Utah 84057
(801)227-8062 (work)
(801)227-8056 (fax)
jelsken@utah.gov

Primary for Region 4, Richfield and Price
District:

Ms. Pam Higgins, NEPA/NHPA Specialist
UDOT Region 4
1345 South 350 West
Richfield, UT 84701
(435)893-4740 (work)
(435)896-6458 (fax)
phiggins@utah.gov

Primary for Region 4, Cedar District:
Mr. Eric Hansen, NEPA/NHPA Specialist
UDOT Region 4
1470 North Airport Road
P.O. Box 1009
Cedar City, UT 84721-1009
(435)979-4549 (work)
(435)865-5564 (fax)
erichansen@utah.gov

Secondary (Statewide):
Betsy Skinner, Cultural Resource Program
Manager
4501 South 2700 West
P.O. Box 148450
Salt Lake City, UT 84114
(801)965-4159 (work)
(801)965-4564 (fax)
eskinner@utah.gov

ATTACHMENT 5

PROJECTS EXEMPTED FROM TRIBAL CONSULTATION

A. Pavement Related

1. Resurfacing the existing roadways without other geometric changes. Existing subbase and original ground remains under the roadway.
2. Sidewalk replacement including no additional excavation outside existing disturbed area. Disturbance is less than 2 feet below existing surface. (Mostly done in urban areas)

B. Maintenance Related

1. Pavement repairs including joint repairs, patching, and crack sealing of roads where the construction does not disturb original ground.
2. Re-striping lines (all type of pavement markings) on roads where they previously existed and new striping when necessary to conform to the Manual on Uniform Traffic Control Devices (MUTCD).
3. Bridge painting of all types of bridges where the construction does not disturb original ground.
4. Bridge and other structure repairs or shoring where the construction does not disturb original ground.

C. Signing Related

1. Installation and replacement of signs including replacement of existing signs in-kind.
2. Installation of driven foundation posts 6" or less in diameter for signs. Drilled shaft foundations up to a maximum diameter of 36"
3. Installation of any other kind of sign that does not disturb original ground.

ATTACHMENT 5 (continued)

PROJECTS EXEMPTED FROM TRIBAL CONSULTATION

D. Roadside Safety Related

1. Repair, replace or upgrade existing guard rail on highways where construction does not disturb original ground and is driven less than 4 feet.
2. Install or replace impact attenuators on highways where construction does not disturb original ground.
3. Replace median barriers on highways where construction does not disturb original ground.

E. Traffic Monitoring Related

1. Installation and upgrade traffic signal and lighting poles.
2. Installation of highway monitoring systems including loop detectors (or other types of sensors), cameras, radio systems, and variable messaging signs (with the exception of towers) where construction does not disturb original ground.

F. Other Project Types

1. Any project, not specifically mentioned above, where all proposed work will take place on existing roadways within the toe of slope.
2. Replacement of railing on bridges to meet modern safety standards.
3. Streetscape improvement outside a historic district. This includes, but may not be limited to, benches, decorative lighting, textured crosswalks, transit shelters, and containerized plantings where the construction does not disturb original ground.
4. Rehabilitation of historic structures where construction does not disturb original ground.
5. Rehabilitation of historic transportation equipment such as railroad locomotives, and rail cars.
6. Purchase of scenic easements or abandoned rail corridors where no construction activity is planned. Resale of scenic easements is not part of this agreement.
7. Establishment of transportation museums and visitors centers that do not contain any Indian components where construction does not disturb original ground.

ATTACHMENT 6

INITIAL NOTIFICATION FORM

UDOT Project Initial Tribal Notification Form
Section 106 Consultation

(for UDOT use only)

Date: _____ UDOT Project # _____ UDOT PIN _____ Route # _____
City/County: _____ Contact Name: _____
Telephone: _____ Fax: _____ Email: _____
Brief Project Description (e.g. adding lanes, bridge replacement, new roadway on new alignment [include map]): _____

Archaeological Potential (Prehistoric or Historic Sites)

- | | |
|---|---|
| <input type="checkbox"/> Known prehistoric sites in the project area | <input type="checkbox"/> Unlikely to find prehistoric sites in the project area |
| <input type="checkbox"/> Known historic sites in the project area | <input type="checkbox"/> Unlikely to find historic sites in the project area |
| <input type="checkbox"/> Likely to find prehistoric sites in the project area | <input type="checkbox"/> No expected ground disturbance |
| <input type="checkbox"/> Likely to find historic sites in the project area | <input type="checkbox"/> Other |

Comments

Tribal Response

(for Tribal use only)

Tribal contact for this project:

Tribe:

Name:

Address:

City, State, Zip:

Telephone:

Fax:

Email:

Copies to:

Note: If any of the information to the left has changed, please provide changes to the UDOT contact above, or, to:

Betsy Skinner
Cultural Resource Program Manager
Utah Department of Transportation
4501 South 2700 West, Box 148450
Salt Lake City, UT 84114-8450
eskinner@utah.gov

Comments

- | | | | |
|--|------------------------------|-----------------------------|-----------------------------------|
| 1. Do you wish to be a Section 106 consulting party on this project? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Sure |
| 2. If you do not wish to be a Section 106 consulting party, do you wish to continue to be involved in the development of this project? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Sure |
| Note: If your answer is "Not Sure," UDOT will continue to provide information. | | | |
| 3. Are you aware of any traditional religious or culturally important places in or near the project area? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Sure |
| 4. If yes, can you share details about the place (e.g., location and other characteristics) and any concerns you may have? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| 5. Is this information sensitive? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |

Additional Comments

Name of person completing this form, if different from above (please print): _____

Signature: _____

Date: _____

ATTACHMENT 7

INFORMATION FORM

UDOT Project Information Form
Section 106 Consultation

(for UDOT use only)

Date: _____ UDOT Project # _____ UDOT PIN _____ Route # _____
City/County: _____ Contact Name: _____
Telephone: _____ Fax: _____ Email: _____
Brief Project Description (e.g. adding lanes, bridge replacement, new roadway on new alignment): _____

Information for which a response is requested (highlight checked line)

- | | |
|---|---|
| 1. <input type="checkbox"/> Archaeological resources identified | 6. <input type="checkbox"/> Approach to Resolution of Adverse Effects |
| 2. <input type="checkbox"/> Determinations of eligibility | 7. <input type="checkbox"/> Draft Memorandum of Agreement |
| 3. <input type="checkbox"/> Determination of effects | 8. <input type="checkbox"/> Draft data recovery plan |
| 4. <input type="checkbox"/> Draft testing plan | 9. <input type="checkbox"/> Draft data recovery report |
| 5. <input type="checkbox"/> Draft testing report | 10. <input type="checkbox"/> Other |

Enclosures

Documents/Information enclosed: _____

Comments

Tribal Response

(for Tribal use only)

Tribal contact for this project:

Tribe:

Name:

Address:

City, State, Zip:

Telephone:

Fax:

Email:

Copies to:

Note: If any of the information to the left has changed, please provide changes to the UDOT contact above, or, to:

Betsy Skinner
Cultural Resource Program Manager
Utah Department of Transportation
4501 South 2700 West, Box 148450
Salt Lake City, UT 84114-8450
eskinner@utah.gov

Document Comments

- | | | | |
|---|------------------------------|-----------------------------|---|
| 1. Was the survey adequate? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not applicable |
| Should additional survey be conducted? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not applicable |
| 2. Do you agree with the recommendations of eligibility? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not applicable |
| 3. Do you agree with the recommendations of effect? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not applicable |
| 4. Do you agree with the draft testing plan? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not applicable |
| 5. Is the draft testing report adequate? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not applicable |
| 6. Do you agree with the approach to resolution of adverse effects? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not applicable |
| 7. Do you agree with the draft Memorandum of Agreement? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not applicable |
| 8. Do you agree with the draft data recovery plan? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not applicable |
| 9. Is the draft data recovery report adequate? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not applicable |
| 10. Do you have any other concerns? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |

If yes, please inform UDOT how to proceed to address the tribes concerns (add pages if necessary): _____

Additional Comments

Name of person completing this form, if different from above (please print): _____

Signature: _____

Date: _____